

REMARKS

In view of this submission, reconsideration and allowance of the present application are respectfully requested.

As required, attached is an updated application data sheet (ADS) that includes the updated priority claim.

Claims 1-10, 12-17, 20 and 24-28 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,120,608 to Gallagher, et al. ("Gallagher"), in view of U.S. Patent 6,039,250 to Ito et al. ("Ito"). Claims 11, 18, 19, 21-23, 29 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher in view of Ito and in further view of U.S. Pub. No. US2002/0029193 to Ranjan and Shah ("Ranjan").

It is submitted that neither Gallagher nor Ranjan is valid prior art with respect to the present application. The present application has a filing date of April 10, 2001. Gallagher, which issued on October 10, 2000, is not prior art under 102 (b) and therefore can only be prior art under either 102(a) or 102(e) based on its issue date (under 102(a)) or based on its filing date of October 30, 2000, or its priority filing date of August 15, 2000. In the Office Action, the Examiner deems Gallagher to have the relevant filing date of October 30, 2000 (not its priority filing date). But since the earliest relevant date of Gallagher is August 15, 2000, the applicant shall consider August 15, 2000 as the relevant date for Gallagher.

Ranjan, which issued on March 7, 2002 from an application filed on August 31, 2001, can only be prior art under 102(e) based on its priority filing date of September 1, 2000.

As discussed in detailed below, applicant has submitted, concurrently herewith, a Declaration under C.F.R. 1.131 that establishes an invention date which predates the priority dates of Gallagher and Ranjan and, therefore, neither of these references is valid prior art with respect to the present application.

In the Office Action under reply, the Examiner indicated that the provisional application does not provide support for the internet related limitations recited in independent claims 1, 14 and 25, thus precluding providing these claims the earlier priority date of the provisional application. Specifically, the Examiner indicated that there is no support in the provisional application for “transmitting a data-input document” and “entering transaction data into said data-input document” as recited in claim 1, for “customer accessing said money-transfer service via internet and an Internet-access device,” “transmitting a data-input document” and “opening said data-input document” as recited in claim 14 and “money-transfer service including document means, for transmitting transaction documents,” “each customer communication system comprising an access means, for receiving said transaction documents” and “inputting transaction data into said transaction documents” as recited in claim 25.

In response, Applicant has included with this submission a Declaration under 37 C.F.R. 1.131 (“Declaration”) that establishes Applicant’s conception prior to August 15, 2000 of methods for accepting online money transfer techniques including the above-quoted steps and features, and that also demonstrates diligence from just prior to August 15, 2000 to the filing of the present application on April 10, 2001. Therefore, the claimed invention is entitled to a date

of invention, at least for independent claims 1, 14 and 25, that predates the priority dates of Gallagher and Ranjan.

Moreover, those remaining limitations in independent claims 1, 14 and 25 and those recited in claims dependent thereon which the Examiner did not object to are supported in the provisional application. Therefore, all the claims in the application are entitled to a date of invention that predates the (priority) filing dates of both Gallagher and Ranjan.

In view of the foregoing, neither Gallagher nor Ranjan is valid prior art with respect to the present application. It is therefore requested that the rejection of claims 1, 14 and 25 and all claims dependent thereon be withdrawn.

In view of the foregoing, reconsideration and allowance of the present application are respectfully requested.

If any fee is due in connection with this submission, the Commissioner is authorized to charge such fee to Deposit Account No. 03-3415.

Respectfully submitted,

By: /Mark Montague/
Mark Montague
Reg. No. 36,612

COWAN, LIEBOWITZ & LATMAN, P.C
1133 Avenue of the Americas
New York, New York 10036-6799
(212) 790-9200